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Security Council

Fifty-first Year

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New York

President:	Sir John Weston	(United Kingdom of Great Britain and Northern Ireland)
Members:	Botswana	Mr. Legwaila
	Chile	Mr. Somavía
	China	Mr. Qin Huasun
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Germany	Mr. Henze
	Guinea-Bissau	Mr. Mano Queta
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wibisono
	Italy	Mr. Ferrarin
	Poland	Mr. Wlosowicz
	Republic of Korea	Mr. Park
	Russian Federation	Mr. Fedotov
	United States of America	Mrs. Albright

Agenda

The situation in Croatia

96-85051 (E)

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The meeting was called to order at 3.50 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

The President: I should like to inform the Council that I have received a letter from the representative of Croatia in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Drobnjak (Croatia) took a seat at the Council table.

The President: I have received a request dated 15 January 1996 from Mr. Jovanović to address the Council. With the consent of the Council, I would propose to invite him to address the Council in the course of the discussion of the item before it.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to Security Council resolution 1025 (1995), document S/1995/1028*.

Members of the Council also have before them document S/1996/23, which contains the text of a draft resolution submitted by France, Germany, Italy, Poland, the Republic of Korea, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America; and document S/1996/24, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/951 and S/1996/13, letters dated 15 November 1995 and 10 January 1996, respectively, from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General and to the President of the Security Council, respectively; and S/1996/21, letter dated 11 January 1996 from the chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council.

The first speaker is the representative of Croatia, on whom I now call.

Mr. Drobnjak (Croatia): At the outset, Sir, let me congratulate you on your assumption of the presidency of the Council for the month of January.

The first draft resolution now before the Security Council is one of the most important documents the Council has dealt with since the outbreak of the crisis in the area of the former Yugoslavia. This draft resolution sends a loud and clear message to the people in the occupied territories of Croatia. It is a message of hope to the silent majority yearning for peace, and an even louder and final message of "no more" to the belligerent fringe that profited from war and the status quo. For my country, this draft resolution is a reason for satisfaction and confidence. It aims to achieve a goal by means consistent with the objectives of my Government: a peaceful, timely and complete reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium with Croatia.

In his recent report (S/1995/1028*) to the Security Council, dated 13 December 1995, the Secretary-General wrote that

> "the purpose of the transitional administration is to achieve a peaceful reintegration of the region into the Croatian constitutional system through the implementation of the basic agreement." *(S/1995/1028*, para. 12)*

The Council, in operative paragraph 11 of the draft resolution contained in document S/1996/23, ratifies this sentence from paragraph 12 as the "objective" of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Therefore, my Government understands this draft resolution as an expression of the Council's determination to go beyond passive protection of Croatia's territorial integrity within

its internationally recognized borders and to actively restore — through the work of the Transitional Administrator and UNTAES — Croatian sovereignty to the region of Eastern Slavonia, Baranja and Western Sirmium.

Most of the Croatian citizens from this region, both those who are still living there and those living outside the region as displaced persons and refugees, will greet this decision by the Council with joy. They have suffered enough losses from war and enough misery from the status quo. They want to live normal lives again and enjoy all the benefits and opportunities that the peaceful Croatian State can and will offer them.

Without a doubt, the demilitarization aspect of the UNTAES mandate is the most critical element for its success. We believe that demilitarization can be achieved. There might be some resistance to it, particularly in the leadership ranks of the local Serbs, but this can be overcome — first, by creating a programme of second-country resettlements for local occupation leaders and, secondly, through an active role on the part of the Government in Belgrade. This can begin with an immediate withdrawal of Yugoslav regular and paramilitary troops and assets from the region.

The Federal Republic of Yugoslavia (Serbia and Montenegro) must also move towards recognition of Croatia within its internationally recognized borders, consistent with the Council's calls for such recognition, included in this draft resolution as well. Croatia is prepared to do the same, as demonstrated by my Foreign Minister's recent visit to Belgrade. Mutual recognition offers our two countries numerous benefits and vehicles to successfully resolve all the outstanding issues between us.

My Government firmly supports the nomination of Major-General Jacques Klein as the Transitional Administrator for the region. Croatia will closely cooperate with him and stands ready to provide his mission with any assistance that might be required. In just a short period of time, General Klein has displayed precisely the assertiveness and foresight needed for this type of operation. We cannot support enough his views on the role and impact of economic assistance for confidence-building and reintegration of segregated communities. General Klein will achieve the most that is possible in the region. Frankly, if we are unable to achieve the Council's objective under his guidance, it will probably mean that the objective cannot be achieved peacefully.

The momentum created by the rapid and assertive implementation of the Implementation Force (IFOR) mandate can benefit the demilitarization aspect of the UNTAES mandate. Only determined and timely efforts will produce progress. The IFOR approach can be a lesson for progress. A diverse and nationally balanced force, with the core and command in the hands of North Atlantic Treaty Organization (NATO) countries, similar to IFOR in Bosnia, is also more likely to achieve the desired results in Croatia. Therefore, my Government welcomes any form of linkage between UNTAES and IFOR.

I should also like to emphasize the importance of operative paragraphs 5, 6 and 7 of the draft resolution before us. My Government interprets these paragraphs to mean that the Security Council will terminate the UNTAES mandate if the demilitarization aspect is not achieved, and at any other time in the future if any other significant aspect of the mandate fails to be implemented — especially if 126,000 non-Serb displaced persons and refugees are unable to return to the region in a timely and meaningful manner. We hope that the Council will continue to seek and consider the views of my Government on the question of mandate progress and on other relevant issues, consistent with the right granted to all Member States.

UNTAES will be the third large United Nations operation on Croatian soil in less than five years. My country welcomes once again the Blue Helmets, this time in the sincere hope that this operation will be shorter and more successful than the previous two and, most importantly, casualty-free.

Finally, let me briefly comment on the second draft resolution that is on the Council's agenda today. We support the draft resolution on Prevlaka, and my Government is pleased that the issue of the Prevlaka peninsula is addressed in a separate document. This draft resolution opens a door for establishing a new monitoring arrangement in the area and recognizes that the Prevlaka peninsula is an integral part of Croatia. It also calls on the Federal Republic of Yugoslavia (Serbia and Montenegro) to recognize the internationally accepted borders of all successor States of the former Yugoslavia, including Croatia's border in the Prevlaka area.

In this regard, my Government emphasizes once again that the question of the Prevlaka peninsula can in no way be considered a border dispute. The delineation and location of the international border in the area is well

known and has been confirmed by the Badinter Commission. Nevertheless, Croatia is ready to continue to explore all possible ways to peacefully resolve existing problems in the area, centred not on Prevlaka, but on the Boka Kotorska harbour in the area. Croatia supports the view that access to the Boka Kotorska harbour in the neighbouring Republic of Montenegro should be harmless.

The President: I thank the representative of Croatia for his words of congratulation addressed to me.

In accordance with the decision taken earlier in the meeting, I now invite Mr. Jovanović to take a place at the Council table and to make a statement.

Mr. Jovanović: At the outset, I wish to express satisfaction at the exemplary fashion in which you, Mr. Ambassador, have discharged the functions of the President of the Security Council during the month of January. I also wish to commend your predecessor, Ambassador Lavrov, for the outstanding manner in which he presided over the Security Council in December.

The conclusion of the Basic Agreement on Eastern Slavonia, Baranja and Western Sirmium, together with the Peace Agreement for Bosnia and Herzegovina, represents a major step towards the establishment of a lasting and just peace in the territories of the former Yugoslavia. The Basic Agreement provides a solid foundation for full respect for and protection of the Serb people in the region, guaranteeing them peace, freedom and equality. After Dayton, London, Paris, Bonn and Vienna, it is evident that the outstanding questions can be resolved only by peaceful and political means and only if all parties demonstrate willingness to be flexible and readiness to compromise.

The Federal Republic of Yugoslavia particularly wishes to emphasize that, under the Basic Agreement, the Security Council has undertaken the responsibility to guarantee peace and stability in Eastern Slavonia in the transitional period, which means to ensure the equality of all citizens and the protection of their human rights, including those of the refugees and other persons who, in accordance with the Basic Agreement, choose to return to live in Eastern Slavonia.

The Federal Republic of Yugoslavia commends the conclusions contained in the report of the Secretary-General and rightfully expects the United Nations forces to efficiently and impartially contribute to the full implementation of the Agreement. We consider that a sufficient number of soldiers should be dispatched to Eastern Slavonia in order to enable the United Nations to entirely fulfil all the tasks that lie ahead. Should that not be the case, both United Nations credibility and the efficient implementation of the Agreement would be at risk.

In addition to the military part of the operation, the United Nations also has important duties in the field of civilian administration, where the major tasks should be the protection of the civilian population and their human rights, as well as enabling an unimpeded return of the refugees.

The successful implementation of the Agreement should create the necessary conditions for the development of the region and ensure stability, which would eventually generate calm among the citizens.

The transitional authority, enjoying the trust of the population, should take control of and enhance all existing public services and administration. It is imperative that the proportionality of the ethnic structure of the region be maintained in the number of people employed, especially in top management jobs. The principle of proportionality must be respected especially in the police and the judicial system.

It is obvious that the implementation of the Basic Agreement cannot depend solely on the United Nations. The primary responsibility for its full implementation lies with the two sides, which, with the assistance of the Co-Chairmen of the Conference on the Former Yugoslavia and United States representatives, signed this Agreement. They are expected to translate the Agreement into action. Should those two sides, in good faith and mutual agreement, with the help of the international community, fulfil their obligations, that would defuse the situation on the ground and restore confidence and understanding essential for the success of the operation.

In this framework, it is essential that confidence-building measures should be urgently established and the full security of the local population be ensured. Only in this context can the peaceful demilitarization of the region be carried out. The basic precondition for the successful implementation of the Agreement is that the security of the population be fully maintained.

Any departure from the signed Agreement will generate additional tensions and problems, with unforeseeable consequences. Therefore, it should be pointed out that the implementation of this major and

politically significant Agreement, as well as mutual confidence-building, cannot be ensured by non-compliance and gross violations of human rights, sending false signals, destruction of property belonging to the other side, violation of the Security Council resolutions — in short, by embracing behaviour that is unacceptable and contrary to the new spirit of relations prevailing after Dayton and Paris, to which one of the sides very often and easily resorts, with the tacit approval of the major international factors.

We expect that the United Nations peace operation to be established today will be successful and that it will fulfil the tasks set by the Security Council. That would best exemplify the fact that even the greatest problems can be solved peacefully.

Following the signing of the peace Agreement for Bosnia and Herzegovina and the reaching of the Basic Agreement for Eastern Slavonia, Baranja and Western Sirmium, we feel that conditions have been created for the resolution of other outstanding questions in a new atmosphere. One of those issues is certainly Prevlaka.

The dispute over the Prevlaka peninsula is one of the most complex and significant issues in the search for a solution to the crisis in the previous Yugoslavia. It is of particular importance for the Federal Republic of Yugoslavia, considering that access to the Montenegrin Bay of Boka Kotorska is fully controlled from the Prevlaka peninsula.

In essence, what is at stake is a classic territorial dispute which has been noted as such since Croatia's secession from the previous Yugoslavia, by both the Croatian side and the international community. The Croatian side, in negotiations that took place as early as 1991 with representatives of the Republic of Montenegro, in principle accepted the possibility that the dispute could be resolved through a tripartite exchange of territory between the Federal Republic of Yugoslavia, the Bosnian Serbs and Croatia.

The present legal status of the disputed part of territory incorporating the Cape Oštri Rt and a part of the Prevlaka hinterland was regulated by the Joint Declarations of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September and 20 October 1992. On that occasion, after having decided to demilitarize Prevlaka, the two sides concurred that the general security of the Boka Kotorska Bay and Dubrovnik would be solved through further negotiations. The Agreement was confirmed by Security Council resolution 779 (1992), by which the United Nations resumed responsibility for monitoring the arrangements agreed to and the observance of the United Nations security regime pending the reaching of a peaceful solution to the contentious issue.

During the peace negotiations in Dayton, the delegation of the Federal Republic of Yugoslavia did its utmost to reach a negotiated solution to the dispute in direct contacts with the representatives of the Republic of Croatia, in the presence of the representatives of the United States. The guarantees concerning the tripartite exchange of territories among the Republic of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia and the solution of the Prevlaka dispute in favour of the Republic of Montenegro and the Federal Republic of Yugoslavia, which the Republic of Croatia agreed to on that occasion, are known to all participants in the proximity peace talks in Dayton. However, since the Dayton Agreement, the Croatian side has called the agreed arrangements into question in a number of public statements of high-ranking officials of the Republic of Croatia.

Recently, the Republic of Croatia has begun to deny that what is at stake is a territorial dispute on Prevlaka. This is indeed a very strange development, since Croatia has been involved in negotiations or talks with the representatives of the Republic of Montenegro and the Federal Republic of Yugoslavia for more than four years on this question. The international community nevertheless has noted that there is a territorial dispute; it did so the moment the Security Council decided to deploy the United Nations military observers with the mandate of monitoring the demilitarization.

Considering the sensitivity of this issue, as well as the strategic relevance of the area, we feel that the further presence of the United Nations troops would be the best guarantor, if misunderstandings and new problems are to be avoided.

We commend the Security Council for having decided to accept the recommendations of the Secretary-General contained in his report of 12 December 1995 and to extend the presence of the United Nations monitors on the Prevlaka pending a mutually acceptable solution. In so doing, the Security Council has demonstrated political wisdom, as well as a sense of reality. This is the best contribution to the strengthening of stability in the region, preventing new and unnecessary problems.

We are confident that the question of Prevlaka can be resolved peacefully, as was the case with many other even more complex issues in the territory of the former Yugoslavia. Historical events in Dayton and Paris bear witness to that.

The Federal Republic of Yugoslavia is ready, on the basis of relevant mutual agreements on this question, as well as of Security Council resolutions, to continue to negotiate with Croatia, on condition that the other side approaches the problem in a responsible and conscientious manner. If one seeks the normalization of relations, one should demonstrate wisdom and readiness to overcome problems in a peaceful and negotiated manner, rather than strive to create new ones.

The President: I thank Mr. Jovanović for his kind words addressed to me.

It is my understanding that the Council is ready to proceed to vote on the two draft resolutions before it. Unless I hear any objection, I shall put the draft resolutions to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Ferrarin (Italy): I have the honour to speak on behalf of the European Union. The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia, as well as Norway, also associate themselves with the content of this statement.

The European Union has always followed with great attention and concern the situation in Eastern Slavonia. The most recent demonstration of this was the Declaration on former Yugoslavia attached to the Conclusions of the European Council of Madrid on 15-16 December 1995, which pointed to the importance of an urgent solution to the problem in Eastern Slavonia for the entire peace process in the region.

This is the thrust of the draft resolution to be adopted today by the Security Council, which follows up the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 between the Government of the Republic of Croatia and the local Serbian community; establishes a United Nations peace-keeping operation, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), with both military and civilian components; and defines the mandate for both components. It also reaffirms once again the Council's commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, emphasizing in this regard that the aforementioned territories are integral parts of the Republic of Croatia, principles that the European Union has firmly and consistently supported.

First of all, it should be pointed out that the mandate described in the draft resolution faithfully reflects the commitments made by the parties in the Basic Agreement. The parties — the Government of the Republic of Croatia and the local Serbian community — are responsible for scrupulously fulfilling these commitments. UNTAES has the task of helping them to face up to this responsibility, overcoming the distrust and rancour provoked by a long and painful conflict. Thus, according to paragraph 7 of today's draft resolution, the parties must cooperate fully with UNTAES. This cooperation is a necessary condition for the success of the operation.

I wish to underline the particular importance of paragraph 12 of the draft resolution, which provides that:

> "UNTAES shall ... monitor the parties' compliance with their commitment ... to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the Region, and maintain an active public affairs element". (*S/1996/23, para. 12*)

The observance of these commitments will have a decisive impact on the implementation of the Basic Agreement. In fact, it is an absolute condition for healing the wounds of the past and for allowing the voluntary and free return of refugees and displaced persons — the images of the shelling of Vukovar are still sharp in the memories of the peoples of the European Union — and the continued presence in that territory of the Serbian community and other ethnic groups that have coexisted in that border region for centuries. If these commitments are respected, Eastern Slavonia can become an example of civil and peaceful coexistence — in short, a model for the entire area of the former Yugoslavia, which in recent years has been engulfed by the most tragic conflicts that Europe has witnessed in the past 50 years.

I also wish to underline the importance of paragraph 14, which authorizes Member States to take, at the request of UNTAES, all necessary measures, including close air support, in defence of UNTAES, and, as appropriate, to assist in its withdrawal. The same holds true for paragraph 15, which requests that UNTAES and the multinational implementation force (IFOR) in Bosnia and Herzegovina cooperate with each other as well as with the High Representative, acknowledging the close relationship that exists between the two theatres of operation. In our view, these are two essential measures to guarantee the security of UNTAES personnel, preventing the repetition of incidents that have taken place in recent years in former Yugoslavia, causing the deaths of peace-keepers, and that are incompatible with the dignity and credibility of the United Nations and must be avoided at all costs.

Paragraphs 20 and 21 provide that Member States and UNTAES shall cooperate with the International Tribunal in the performance of its mandate. The legacy of the conflicts in the former Yugoslavia can only be overcome if justice is done and if the Tribunal can perform its functions with the greatest freedom and the maximum cooperation of all.

The European Union welcomes today's simultaneous adoption of a technical draft resolution that authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula in accordance with the report of the Secretary-General of 13 December 1995. The continued presence of the United Nations observers on the peninsula is essential to prevent an increase in tensions there and for the success of the talks currently under way between the Governments of the Republic of Croatia and of the Federal Republic of Yugoslavia for a settlement that would peacefully resolve their differences.

Today's draft resolution on Eastern Slavonia constitutes, in the opinion of the European Union, an important stage of the peace process in the area of the former Yugoslavia — a process that now allows us to look at the future of that region with greater confidence and optimism. The European Union urges the Secretary-General to ensure the earliest deployment of the new peace-keeping operation in Eastern Slavonia, in order to facilitate the full implementation of the Basic Agreement, and calls on Member States to act accordingly. We are confident that this new peace-keeping operation will prevent the rekindling of a conflict that could risk having negative repercussions on the still fragile Bosnian peace and generating a new mass exodus of refugees and displaced persons.

Only the consolidation of peace in Eastern Slavonia and its gradual and peaceful reintegration into the political, economic and administrative system of Croatia can promote the development and economic reconstruction of that region, a goal to which all States and international financial institutions are invited to actively contribute in paragraph 18 of today's draft resolution. In this context, the European Union is ready to assume an important role, without losing sight of the relationship, underlined by paragraph 19 of the draft resolution, between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): The Security Council is meeting today to approve the operational aspects of the creation of a transitional administration encompassing a transitional peace-keeping force in accordance with the provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium of 12 November 1995. We are also meeting to renew the mandate of the United Nations military observers in the Prevlaka peninsula.

Let me begin by saying that my delegation will vote in favour of both draft resolutions.

As to the first question before the Council, I wish to reaffirm Egypt's full support for this historic Agreement, which will ensure the peaceful integration of Eastern Slavonia, Baranja and Western Sirmium into Croatia. It also serves a number of important objectives, including the return of displaced persons to their homes and the elimination of one obstacle to mutual recognition between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

My delegation has carefully studied the report of the Secretary-General on the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and his proposals relating to a peace-keeping force within the Transitional Administration. We have also heard the report of the Special Envoy of the Secretary-General, General Klein, who referred to the intention of all parties to implement the Basic Agreement in good faith. These are all encouraging signs for the establishment of the Transitional Administration in accordance with draft resolution S/1996/23.

My delegation wishes, however, to stress a number of points. The first is the need to show the utmost flexibility in implementing the provisions of the draft resolution, particularly when determining the size of the military component of the United Nations Transitional Administration, by giving the Transitional Administrator the opportunity to propose an increase in the size of that component when he reports to the Secretary-General in the framework of paragraph 4 of the draft resolution, or in any subsequent report.

It is important to interpret paragraph 14 of draft resolution S/1996/23 as encompassing, *inter alia*, intervention by the multinational Implementation Force authorized by the Security Council in its resolution 1031 (1995) to defend UNTAES should the Administration so request.

With respect to paragraph 21 of the draft resolution, cooperation between UNTAES and the International Tribunal for the Former Yugoslavia should be comprehensive, with a view to arresting those indicted by the Tribunal and handing them over for trial through official channels and in accordance with international legal norms.

The success of UNTAES in carrying out the mission defined in today's draft resolution will depend on the commitment of all parties to implementing in good faith the Basic Agreement — and implementing in good faith the provisions of the draft resolution, which will facilitate the establishment of UNTAES and the commencement of its operations to restore stability and security in the region as soon as possible.

The United Nations will bear a major responsibility under this draft resolution: the creation of the military component of UNTAES. We note that States have thus far been hesitant about contributing troops to that component. The Secretary-General and the Transitional Administrator should therefore make further efforts to urge States to contribute troops to this most important peace-keeping operation so as to make it possible to begin the implementation of the remaining provisions of the draft resolution as soon as possible, particularly the provisions relating to demilitarization.

In this context, Egypt stresses the need to achieve the greatest possible balance between participation in the UNTAES military component by States members of the North Atlantic Treaty Organization (NATO) on the one hand and non-NATO States on the other. This would authenticate the international nature of the force.

Let me note an error in the Arabic text of this draft resolution: the words "initial deployment" are missing from paragraph 10 in the Arabic text. I trust that this error will be rectified.

I turn now to draft resolution S/1996/24, the technical draft resolution on the renewal of the mandate of United Nations military observers in the Prevlaka peninsula to monitor the demilitarization of that peninsula. We look forward to negotiations between the parties yielding an agreement on a peaceful settlement, so that the Security Council will not be obliged to renew the mandate of the observers once again or to entrust the monitoring mission to another international organization. My delegation hopes that the Security Council will meet soon to adopt an agreement that will settle this problem and will join the series of other agreements towards peace and stability in the Balkans that are now being implemented.

The President: I assure the representative of Egypt that the infelicity in the Arabic text will be addressed.

Mr. Qin Huasun (China) *(interpretation from Chinese)*: In seeking a solution to the question of Croatia, we have always emphasized respect for the sovereignty and territorial integrity of the Republic of Croatia and have reiterated that the territories of Eastern Slavonia and other areas are integral parts of the Republic of Croatia. Ultimately, an appropriate and lasting solution to the conflict in Croatia can be found only through peaceful negotiations.

Towards the end of last year, the two parties concerned in Croatia signed the Basic Agreement, which opened up new prospects for the peaceful settlement of conflicts and for the gradual reintegration of the territories of Eastern Slavonia and other areas into the Republic of Croatia, within its constitutional jurisdiction. We welcome this development.

Well begun is half done. We hope that the two parties concerned will put the interests of Croatian people of all ethnic origins above their differences, adopt a constructive approach, build mutual trust and implement the Basic Agreement in earnest so as to create conditions favourable for advancing the process of achieving a political settlement of the question of Croatia.

We have noted that the Basic Agreement called for the establishment of a transitional administration and a peace-keeping force in Eastern Slavonia. Considering the urgent needs of the parties concerned in Croatia and considering that the United Nations should do all it can to support the process of a political settlement in Croatia, we will give positive consideration to the requests made in the Basic Agreement and will vote in favour of the two draft resolutions before us. However, we also believe that political will and cooperation on the part of the parties concerned is a prerequisite for any United Nations peace-keeping operation and the basis for its success. We therefore urge the two parties concerned to cooperate closely with the international community in implementing the Basic Agreement so as to ensure the success of the United Nations peace-keeping operation to be deployed. I also wish to point out that the main task of the Transitional Administration will be to assist the parties concerned in implementing the Basic Agreement, and its activities should therefore be strictly restricted to what is requested in the Basic Agreement.

When it comes to the deployment of United Nations peace-keeping operations, we are never in favour of enforcement action under Chapter VII of the Charter. As the two Croatian parties have explicitly pledged their cooperation, the military component of the Transitional Administration will be engaged mainly in monitoring and assisting demilitarization. Under these circumstances, it is not necessary to invoke Chapter VII in the authorization.

Moreover, the use of close air support, as appropriate, in the case of insufficient manpower in peace-keeping operations should be limited to self-defence. Peace-keeping forces should not use force indiscriminately, still less employ it as a means of retaliation. The Transitional Administrator should exercise caution when making such requests.

Therefore, the Chinese delegation wishes to reiterate its reservations about those elements of draft resolution S/1996/23.

Mr. Wibisono (Indonesia): The Security Council has before it today two draft resolutions. The first relates to the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium reached by the Government of the Republic of Croatia and the local Serbian community on 12 November 1995. The second concerns the continued monitoring of the demilitarization of the Prevlaka peninsula by United Nations military observers.

The Security Council's consideration of the draft resolution on the Basic Agreement represents the culmination of weeks of intensive work and consultations. In this endeavour, we have benefited enormously from the observations and recommendations of the Secretary-General and his Special Representative, for which my delegation is especially grateful.

There can be little doubt about the complexity of the task that has been entrusted to the Council by the Basic Agreement. The apparent generality of some of its provisions has posed a particular challenge, since the Council must be devoid of any ambiguity in implementing this Agreement.

It is in this perspective that the Indonesian delegation has examined the draft resolution, in particular those parts relating to the mandate of the military and civilian components of the prospective United Nations Transitional Administration for Eastern Slavonia (UNTAES) and the relationship between UNTAES and the multinational implementation force (IFOR).

The fulfilment of the mandate of the military component of UNTAES — namely, supervising and facilitating the demilitarization; contributing to the maintenance of peace and security in the region; and facilitating and monitoring the voluntary and safe return of refugees — will not, of course, be without challenges. The Indonesian delegation is confident, however, of the operation's ability to effectively overcome them. We should like to underline in particular that the draft resolution provides for the Council's reconsideration of the mandate if at any time it receives a report from the Secretary-General that the parties have significantly failed to comply with the terms of the Basic Agreement. We deem this to be important not only because it provides the Council with the flexibility to adapt to rapidly changing circumstances, but also because it underscores the message to the parties concerned of the need for their strict and scrupulous compliance with the Agreement.

My delegation is pleased to note the attention given in this draft resolution to the civilian component of the UNTAES mission. We firmly believe that if peace is to have a reasonable chance to take hold after hostilities have ceased, a great deal of effort needs to be directed towards the fulfilment of the mandate, as laid down in operative paragraph 11 of the draft resolution. Moreover, we should like to reiterate the call on States and international financial institutions to support and

cooperate in the development and economic reconstruction of the region.

The manpower and resources accorded to UNTAES must be commensurate with the tasks it is expected to perform. In this regard, the Indonesian delegation supports the initial deployment of up to 5,000 troops to the military component of UNTAES. We should like to underline, however, the import of the provision within the draft resolution that Member States, acting nationally or through regional organizations or arrangements, may, at the request of UNTAES and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of UNTAES and, as appropriate, to assist in its withdrawal. Such a broad formulation clearly includes IFOR assistance to UNTAES when this is requested. This is even more apparent in the context of the contents of operative paragraph 15, which, *inter alia*, requests that

> "UNTAES and the multinational implementation force (IFOR) authorized by the Council in resolution 1031 (1995) of 15 December 1995 cooperate, as appropriate, with each other".

It is our understanding that this also covers the arrangements mentioned in operative paragraph 14, and thus provides a solid foundation for cooperation between IFOR and UNTAES. Although these are two separate operations, there is little doubt that the success, or failure, of one will have an impact upon the other.

My delegation dwelt on the contents of operative paragraphs 14 and 15, for it is our view that they are indeed the minimum required to help ensure that the unfortunate recent experience of the United Nations forces in the former Yugoslavia is not repeated. At the same time, my delegation is cautiously optimistic that this rather sombre scenario may be averted. The very signing of the Basic Agreement and the General Framework Agreement for Peace in Bosnia and Herzegovina have by themselves dramatically transformed the regional milieu. The parties to the conflict have indeed crossed a major chasm. Any party that, in an act of folly, chose to violate these agreements would quickly find itself subject to the wrath of the entire international community. Above all, it would be acting in defiance of the wishes of those whom it leads: the ordinary people, those who have suffered the most from the senseless violence and whose primary wish is economic reconstruction and development.

The Basic Agreement represents a crucial and significant step towards establishing a framework for the political settlement of a crisis that has inflicted so much pain and hardship on countless innocent and defenceless people over the course of the past four years. In our view, the draft resolution is consistent with the fundamental objectives of the Basic Agreement, namely, the full protection of the rights of all in the region and the affirmation that the territories concerned constitute integral parts of the Republic of Croatia. The full implementation of this Agreement is indeed critical to the overall success of the entire peace process. The draft resolution before the Council today lays a solid foundation upon which to build the edifice of a lasting and durable peace in the region, and, indeed, constitutes an integral part of the comprehensive political settlement of the conflict that has engulfed much of the former Yugoslavia. It must none the less be emphasized that the ultimate responsibility for the full implementation of the Basic Agreement rests with the parties concerned. It is up to them to recognize the futility of prolonged conflict and to chart a course in the interests of regional peace and international security.

The delegation of Indonesia endorses the continuation of the monitoring of the demilitarization of the Prevlaka peninsula by United Nations military observers. We value highly the contribution that the observers have made to reducing tensions in the area, and we should like to echo the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement that would peacefully resolve their differences.

In view of these considerations, the delegation of Indonesia will vote in favour of the two draft resolutions.

Mr. Fedotov (Russian Federation) (*interpretation from Russian*): The Russian delegation, together with the other member States of the Contact Group, is a co-sponsor of the draft resolution before the Security Council, which sets up the implementation machinery for the Basic Agreement on Eastern Slavonia, Baranja and Western Sirmium. The signing of the Basic Agreement has paved the way for a peace settlement in this part of Croatia that takes due account of the rights and interests of the local Serbs, who constitute a significant proportion of the population. In this way, it has been possible to create conditions to prevent a recurrence of a scenario involving the use of force, which would be fraught with the danger of destabilizing the situation in the region and of giving rise to new mass flows of refugees.

Having consistently favoured a United Nations format for the operation in Eastern Slavonia, we are very pleased to note that this approach has prevailed generally in the Security Council. Consequently, we have been able to come up with a balanced draft resolution which takes due account of the interests and concerns of the parties.

It seems to us that the civilian and military components of the forthcoming operation will complement each other and that they are being given appropriate mandates to perform the tasks deriving from the Basic Agreement. The Basic Agreement provides for restoring the security guarantees of the entire population of the region, which were disrupted during the years of the conflict, as well as looking out for basic human rights and conditions for the return of refugees and the normalization of community life as a whole, which places a very serious responsibility on the shoulders of the Transitional Administration.

We have learned from the Yugoslav crisis that a lack of thoroughness in this particular area results in additional humanitarian setbacks. Even now we can see that in Sarajevo, another region of the former Yugoslavia that has been a traditional bone of contention, there are initial signs of an exodus of the Serbian population. Every effort should be made to prevent such a turn of events in the former Sector East. The situation in that part of Croatia should be carefully monitored by the Security Council so that it can, if necessary, promptly consider any further steps to fully implement the provisions of the current draft resolution.

In a broader context, the settlement of the situation in Eastern Slavonia should create the necessary conditions for a complete normalization of relations between the Federal Republic of Yugoslavia and Croatia. This will be of decisive significance for a comprehensive settlement of the Yugoslav crisis.

The Russian delegation supports the extension of the mandate of the group of military observers of the United Nations on the Prevlaka peninsula in accordance with Security Council resolutions 779 (1992) and resolution 981 (1995) and with the relevant sections of the Secretary-General's report (S/1995/1028*) dated 13 December 1995. We welcome the intentions expressed by the parties regarding the demilitarization of that territory, which will help to create an atmosphere of mutual trust in the region and will also create conditions for them to achieve a final settlement of outstanding disagreements.

In this context, the draft resolution, which has been presented by the President of the Security Council, is an appropriate reflection of the situation as it now exists. The Russian delegation believes that the Security Council will take a final position on its further activities in this area after the Secretary-General, in accordance with operative paragraph 2 of the draft resolution, has submitted his report on the situation in the peninsula and on the progress achieved by the Federal Republic of Yugoslavia and Croatia in their bilateral negotiations.

Mr. Somavía (Chile) *(interpretation from Spanish)*: During the past few years, Chile has been following with close attention and great concern the results of the conflict in the territories of the former Yugoslavia. We have not been untouched, in spite of the geographic distance separating us from the Balkan region, by the pain and tragedy suffered by so many human beings, the victims of a war that is often cruel and always senseless.

Today the international community, as never before in this long process of constantly seeking a negotiated political settlement, takes hope that these many years of suffering will fade into the past. Last November we celebrated when the parties reached a General Framework Agreement for Peace in Dayton as well as the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, which is the subject that has brought the Council together today. Politically, the two Agreements are part of the same process. We support the continued verification of the demilitarization process on the Prevlaka peninsula, and we therefore support the adoption today of the draft resolution on this subject.

My delegation would like to pay a sincere tribute to the representatives of the Secretary-General and of the European Union, who have worked so hard for years in the International Conference on the Former Yugoslavia, to the negotiators of the Agreements just mentioned, to the humanitarian organizations and particularly to the Blue Helmets and the diplomats who have given their lives in the noble cause of peace.

In supporting this draft resolution of the Security Council, Chile welcomes the shifting of the focus of the conflict in the former Yugoslavia from the military realm to the realm of political negotiation. As so often in the past, Governments and the parties involved will do their calculations and determine how successful they were in the negotiations, what they won and what they lost. Only time will tell whether the understandings reached are

sound and honourable. What is clear even now is that there is already a big loser in this whole tragic story — the peoples of the territories involved. The daily lives of thousands upon thousands of families and communities have been shattered, often irreparably. Today in many parts of these regions the agreements notwithstanding, fear, distrust and sadness still reign. Normal life still seems very far away. It takes a great injection of hope for anyone to think positively about the future.

In this connection, it might be useful to assign the World Health Organization (WHO) the task of dealing with the frame of mind and the psychological state of the residents of the region who have been most affected, in order to help them overcome their own deep-seated doubts and strengthen their ability to get along with those who only yesterday were their enemies.

The draft resolution we are going to adopt has importance beyond political and military considerations. It is an effort by the United Nations to help restore normalcy and to create conditions of greater security, greater trust and greater happiness for the entire natural population of Eastern Slavonia. The United Nations goes there at the request of the parties to administer the territory during the transitional period, while the Agreements are being fully implemented. In theory, the scene is set for a successful intervention. Therefore, there is no reason to refuse. In practice, however, it is not advisable to respond affirmatively without making a few comments.

The recent history of the region as a whole is well known. Agreements have not been implemented and, most especially, a lack of respect has been shown for members of the United Nations by the very parties who are today demanding their presence. The success of this provisional administration which is being assigned to the United Nations will depend first and foremost on the leadership qualities, on sensitivity and character of the person and the team that discharge this task. Success will also depend on the credibility of the practical means made available to them for the implementation of the task. I believe that in the implementation of these responsibilities, lessons learned in Namibia and Cambodia will be very useful.

In the last analysis, real and lasting success will depend on the parties concerned. It will depend on their good faith, their mutual trust and their ability to think about the lives of people more than about grand strategic schemes. For this reason, this draft resolution appeals to the parties to continue to take confidence-building measures and make good will gestures and to take small and great steps towards reconciliation. These are practical ways to show their willingness to implement fully the Agreements. The reports we have received from the representatives of the Secretary-General are positive in this regard.

In this respect, we welcome measures conducive to the implementation of the Basic Agreement as regards demilitarization, assistance to and return of refugees in conditions of security and the need to guarantee the lasting right of minorities to live in the area and of their right to recover their property or to receive compensation when property cannot be returned.

My delegation believes that the draft resolution before us contains the necessary elements and characteristics to allow for a successful deployment of the peace-keeping operation.

We believe it is necessary to take into due account on this occasion the harsh experiences of the military forces of the United Nations Protection Force (UNPROFOR) in what were until recently called the "safe areas" of the Republic of Bosnia and Herzegovina and to draw from those experiences the right conclusions. In this respect, we believe that an adequate, well-equipped military contingent, in Eastern Slavonia, meeting the requirement of deterrence, will make the people of the region feel secure while also avoiding exposure of the peace-keeping forces to unnecessary risks.

The effectiveness of the operation will also depend on the support received by the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in the event of difficulties, as spelt out in operative paragraph 14, which states that

> "Member States, acting nationally or through regional organizations or arrangements, may, at the request of UNTAES and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of UNTAES, and, as appropriate, to assist in the withdrawal of UNTAES". (S/1996/23, para. 14)

This authorization should be used decisively, but also cautiously, with emphasis on its defensive character.

We agree with the statement in the Secretary-General's report that this new peace-keeping operation is complex and difficult. For this reason, we believe that the proposed safeguard measures are appropriate and that the cooperation of the multinational Implementation Force (IFOR), authorized by Security Council resolution 1031 (1995), is essential. We believe that the success of the tasks carried out by IFOR in the Republic of Bosnia and Herzegovina is closely linked to the tasks that UNTAES should carry out. That, in its turn is closely linked to the security and freedom of movement of United Nations personnel in this peace-keeping operation, which must be guaranteed at all times by the parties. In this draft resolution, the Security Council provides in operative paragraph 13 that Croatia should include UNTAES and the United Nations Liaison Office in Zagreb in the present Status of Forces Agreement with the United Nations.

We also believe it is essential that the demilitarization process be fully carried out in accordance with the timetable laid out in the Agreement and that the transition force should therefore be deployed without delay.

While it is true that the military aspects of the operation being established today are essential, they are but one component of the main task to be carried out by the Transitional Administration, whose purpose is to achieve the peaceful reintegration of the region into the constitutional system of Croatia through the implementation of the Basic Agreement.

Among the tasks assigned to the civil component of UNTAES, my delegation ascribes a fundamental role to efforts to promote economic development and the speedy reconstruction of the region. In this regard, we appreciate the role that the financial institutions and international cooperators are called upon to play in the normalization of the activities of the people, as well as in the creation of a climate of stability and confidence.

My delegation wishes to highlight the importance it attaches to full cooperation with the International Tribunal for the former Yugoslavia, as provided in paragraph 20 of the draft resolution.

In adopting this draft resolution, we cannot forget the large total of still unpaid contributions for other peace-keeping operations and the new costs implied in this operation. The Security Council's actions must be politically effective, but also financially responsible. This issue, although it is not the direct responsibility of the Council, is in the background and cannot be disregarded. For this reason, Croatia can make a very important contribution to a process whose final result is of great interest to it.

Finally, my delegation wishes to reiterate the urgency and importance of the parties' creating the climate of confidence necessary for peaceful reintegration of the region of Eastern Slavonia into the Republic of Croatia, in accordance with the timetable laid down in the Agreement.

Mr. Martínez Blanco (Honduras) (*interpretation from Spanish*): My delegation will vote in favour of the draft resolution on Eastern Slavonia because it believes that effective implementation of the Basic Agreement of 12 November 1995 is essential for the reintegration of Croatia's Sector East, the reduction of tensions between the parties and the promotion of peace prospects. This would eliminate the possibility of the resumption of a struggle threatening serious consequences for the region as a whole. Furthermore, we believe that implementation of this Agreement is important for mutual recognition between Croatia and the Federal Republic of Yugoslavia.

The tasks listed for implementation of the Basic Agreement are difficult. With regard to security, the plan is to generate the necessary confidence between the parties, demilitarize the region and monitor the voluntary and safe return of refugees and displaced persons. In the civil area, it is to reintegrate the region to the judicial and constitutional system of Croatia. This involves police training, respect for human rights, facilitating the return of refugees, the organization of elections and other measures designed to promote confidence and reconciliation. The tasks to be carried out by the military and civilian components of the new peace-keeping operation — the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) — are, therefore, difficult and complex. We believe that the success of the operation will largely depend on the parties' cooperation. We urge them, therefore, to support UNTAES and faithfully observe all their commitments under the Basic Agreement.

As regards the situation in the Prevlaka peninsula, we believe that the continued presence of United Nations military observers will continue to contribute to the demilitarization process, and thus to the reduction of tension. We will therefore vote in favour of the draft resolution authorizing their presence in the region for three more months. We hope that the Republic of Croatia

and the Federal Republic of Yugoslavia will continue in good faith to seek an agreement that will resolve their differences in a peaceful way.

Mr. Park (Republic of Korea): At the outset, I would like to acknowledge the efforts of the members of the Contact Group to provide the framework for the two draft resolutions now before us.

With respect to the draft resolution concerning the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), of which the Republic of Korea is pleased to be a sponsor, my delegation would like to touch upon several points to which we attach particular importance.

First, in the light of the interrelated nature of the situations in Eastern Slavonia, Bosnia and other regions of the former Yugoslavia, the United Nations operation in Eastern Slavonia must be undertaken in the broader context of peace and security for the region as a whole. We are aware that the operation in Eastern Slavonia and the one currently under way in Bosnia and Herzegovina affect each other. In this regard, we note with satisfaction that, despite some misgivings over the new international operation in Bosnia and Herzegovina, the situation there appears to be unfolding in a relatively peaceful manner thus far. This positive development augurs well for the stability of the peace process in Eastern Slavonia.

In this connection, we are pleased with the establishment, through this draft resolution, of a close relationship between UNTAES and the Implementation Force (IFOR). In particular, we believe that IFOR should be one of the key players in maintaining the security of UNTAES personnel.

Secondly, my delegation is of the strong view that any individual who has committed crimes against humanity must be brought to justice. We note that UNTAES will be the sole governing authority in Eastern Slavonia, Baranja and Western Sirmium during the transitional period and that, in accordance with the provisions of this draft resolution and the Statute of the International Tribunal, it therefore has the authority to deal with war crimes committed in the former Yugoslavia.

Thirdly, my delegation fully supports the principles that underlie the Basic Agreement: the territorial integrity of Croatia, the protection of the human rights and fundamental freedoms of the entire population, irrespective of ethnic origin, and peaceful coexistence in Eastern Slavonia. We wish to emphasize that respect for human rights and fundamental freedoms, particularly those of the minorities in the region, is a crucial factor for progress towards a lasting peace.

Fourthly, we also fully support the importance this draft resolution attaches to the development and economic reconstruction of Eastern Slavonia. We are of the view that peace and development will go hand in hand in the long run.

Finally, we firmly believe that the success or failure of the peace process in Eastern Slavonia rests squarely with the parties to the Basic Agreement. While they are clearly assured of the support of UNTAES and the entire international community, it will be only through their political will and untiring efforts to reconcile and rebuild a harmonious multi-ethnic society that real progress can be achieved over the long term.

I should now like to turn to the other, technical draft resolution before the Council. We are well aware that the situation on the Prevlaka peninsula and the issues related to it are among the key elements in the basic relations between the Republic of Croatia and the Federal Republic of Yugoslavia. For this reason, my delegation expresses its support for the continued deployment of United Nations military observers to the area in the belief that such a measure will contribute to the stability of the peninsula, thus providing a basis upon which the parties concerned can work towards a peaceful settlement of their differences.

In the light of the foregoing, the Republic of Korea will vote in favour of the two draft resolutions before us today.

I wish to conclude by saying that my delegation very much looks forward to a time when the citizens of Eastern Slavonia and elsewhere in the former Yugoslavia can put behind them the pain and suffering of the last four years and begin to rebuild their lives and communities in a spirit of mutual trust and reconciliation.

My delegation would like to take this opportunity to pay high tribute to the personnel of the United Nations Confidence Restoration Operation in Croatia (UNCRO), without whose sacrifices and dedication the peace process now taking shape in the former Yugoslavia would not have been possible.

Mr. Mano Queta (Guinea-Bissau) (*interpretation from French*): For Guinea-Bissau, the Basic Agreement on Eastern Slavonia, signed on 12 November 1995, represents a major step towards the reintegration of Eastern Slavonia, Baranja and Western Sirmium into the Republic of Croatia.

Nevertheless, the Agreement will come into force only after the Council adopts the draft resolution before us, which, *inter alia*, establishes a Transitional Administration and authorizes the deployment of an international force during the transitional period, as provided by the Agreement and requested by the parties.

The establishment for an initial 12-month period of a major operation with a significant military contingent could, in our opinion, not only foster mutual trust and discourage any thoughts of outside interference, but also, generally speaking, ensure security throughout the region during the transitional period and oversee the demilitarization process.

My country, Guinea-Bissau, therefore will welcome with optimism the adoption of the draft resolution before us, which is aimed essentially at guaranteeing a just and lasting peace for all the inhabitants of Eastern Slavonia, Baranja and Western Sirmium, thus making it possible for that region to become an example of peaceful coexistence between the various ethnic and cultural groups of the former Yugoslavia.

None of this will be possible, however, if the parties do not strictly abide by the commitments under the agreements they signed and cooperate fully with the Transitional Administration and all those institutions and agencies participating in activities for the implementation of the Basic Agreement, in accordance with the mandate of that Administration.

As for the Prevlaka peninsula, my delegation believes that the United Nations military observers should continue to monitor demilitarization in the area, in accordance with the relevant resolutions of the Security Council and the Secretary-General's report of 13 December 1995, for a period of three months, with the possibility of an extension for an additional period of three months.

We wish to express our appreciation for the role played by the United States of America, the Russian Federation, the European Union and particularly the United Nations in the process under discussion. We wish to pay a tribute to the Secretary-General of our Organization for the excellent report he has submitted and for his personal dedication to the matter under consideration. Guinea-Bissau will thus vote in favour of the two draft resolutions before the Council.

Mr. Legwaila (Botswana): The delegation of Botswana believes a negotiated settlement is always possible in any political conflict. We are therefore delighted that reason has ultimately prevailed in Eastern Slavonia, where the Croatian Government and the local Serb authorities have abandoned the logic of war in favour of a political solution. The key to lasting peace in that region now lies with the full implementation of the Basic Agreement, within the time limits set therein. It is imperative that the parties strictly adhere to the commitments they have entered into, including by creating conditions of trust and confidence among all the ethnic groups in Eastern Slavonia. In this connection, it is crucial for the parties to respect fully the cease-fire and enable the demilitarization process to proceed as planned.

The Security Council has two principal tasks under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995: to create a transitional administration for the region and to establish a peace implementation force. Draft resolution S/1996/23 would do just that. It would establish a United Nations peace-keeping operation to be known as the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), consisting of both military and civilian components. Thus, following the adoption of that draft resolution the Security Council will have fulfilled its obligation under the Basic Agreement. It will be up to the parties to fulfil their end of the deal. The recent announcement by the parties to the conflict that they will respect the authority of the United Nations was therefore a welcome development. The relative decline in the level of military activity in the region following the signing of the Basic Agreement has given us reason for cautious optimism, and it is for that reason that we support the establishment of a United Nations operation there. We are not, however, unaware of the poor record of both parties in honouring previous agreements.

The parties should realize that UNTAES is being established to help them implement their own agreement, not to force them to do so. Its mandate as spelled out in paragraphs 10 and 11 of the draft resolution conforms strictly to the limits and scope of the Basic Agreement signed by both parties. It is therefore clear that UNTAES will be doomed to failure without the cooperation of the Government of Croatia and the local Serb authorities. It

should also be very clear to the parties that the humiliation to which United Nations personnel were regularly subjected in neighbouring Bosnia, in the former Sectors West, North and South, and in the region of Eastern Slavonia itself in the recent past will not be tolerated.

The Secretary-General suggested in his report that the Council should authorize a force large enough to protect itself and other United Nations personnel, in view of past experience in former Yugoslavia. The caucus of the Non-Aligned Movement worked with the sponsors of the draft resolution in an effort to ensure that a credible United Nations presence able to respond to any situation in the most robust manner would be established. Although the initial troop deployment will be less than what the Secretary-General had proposed, we fervently hope that paragraphs 13 and 14 of draft resolution S/1996/23 will provide, as we are assured they will by the authors of the text, an effective safeguard of the safety and security of UNTAES. In other words, we hope that these two paragraphs will make it clear enough that the multinational Implementation Force (IFOR) in Bosnia and Herzegovina will have full authority to deter any attacks against UNTAES.

The question of human rights is one of the most important elements in the peace process in Eastern Slavonia, as it is in Croatia as a whole. The continuing violations of the human rights of the Serb population in the former Sectors North and South are, to put it mildly, unhelpful to the peace process in Croatia. We call upon the Croatian Government to institute the necessary guarantees of full respect of the rights of the Serb population in Croatia and to create conditions suitable for the safe return of the refugees.

In the final analysis, it is clear that the successful implementation of the Basic Agreement will depend on the safety of and respect for United Nations personnel. It will depend on recourse to political dialogue by the parties in Eastern Slavonia and the surrounding areas, and on the creation of conditions of trust and confidence among all the ethnic groups not only in Eastern Slavonia but in the whole territory of Croatia.

Mr. Wlosowicz (Poland): At the outset, let me remind the members of the Security Council that the Polish delegation associates itself with the statement delivered today by the delegation of Italy on behalf of the presidency of the European Union. Let me, however, take this opportunity to comment briefly on certain issues under consideration by the Security Council.

After years of destructive struggle, marked by the unspeakable suffering of so many people, a real chance to end the conflict on the territory of the former Yugoslavia is finally in sight. The appropriate conclusions have been drawn from this bitter lesson of history.

Having authorized the multinational Implementation Force (IFOR) to deal with the situation in Bosnia and Herzegovina, the Security Council now turns to another area of the conflict in the former Yugoslavia: the situation in Eastern Slavonia, Baranja and Western Sirmium. With regard to the situation there, we hope that the will displayed by the parties to the Basic Agreement will last and will contribute to peace and stability.

The Polish delegation notes with satisfaction that the underlying idea of the Basic Agreement is the peaceful settlement of the conflict. Poland has always advocated a peaceful solution of the conflict in this area. May I recall at this point the participation of Polish soldiers in the United Nations peace-keeping operation in Croatia, which is being brought to an end today. We believe that their efforts, along with the work of their fellow peace-keepers, were instrumental in reaching the point where a new operation has been made feasible. In the future too, Poland will try to find the means to support a new peace-keeping operation.

My delegation attaches equal importance to the military and the civilian components of the new peace-keeping operation. Draft resolution S/1996/23, on which the Security Council will soon take action, defines mandates for both of these components with sufficient clarity and in the necessary detail.

In the view of the Polish delegation, it is worth stressing that the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) alone will not be in a position to achieve the final solution of the conflict in the area unless both sides to the conflict cooperate with each other and with the peace-keeping forces. This cooperation will be crucial for virtually every aspect of the implementation of the Basic Agreement. Let me emphasize in this regard the importance of disarmament, as stipulated in the Dayton Agreement as well as in the draft resolution. With regard to the civilian part of the mandate, I would like to point out the significance of the harmonious reintegration of Eastern Slavonia, Baranja and Western Sirmium into the Republic of Croatia. The economic development of Eastern Slavonia will greatly

contribute to the achievement of this goal, as well as to normalization in the region.

We are pleased to note that the results of the recent visit of the Croatian Foreign Minister to Belgrade have created a better environment for advancing the economic reconstruction of Eastern Slavonia and of the whole area.

I would like briefly to address another important issue that the region is facing today, namely the future of refugees and displaced persons. We endorse what the Italian presidency of the European Union had to say on this question in its statement. In addition, Poland would like to call upon all States on whose territories these people have taken refuge to provide them with all necessary assistance and support to facilitate their return in safety to their homes.

The human rights question continues to be of fundamental importance to the future of the whole region, including Eastern Slavonia, Baranja and Western Sirmium. The close cooperation of UNTAES with the International Tribunal for the Former Yugoslavia is, in the view of our delegation, a prerequisite for the success of the operation as well as for the peaceful settlement of the conflict.

Finally, the security and safety of the new peace-keeping operation is, as usual, at the centre of our attention. In our view, the provisions of the draft resolution provide the peace-keepers with the guarantees they need to discharge their duties.

In the light of what I have said, Poland will vote in favour of the two draft resolutions before the Security Council today.

Mr. Henze (Germany): Like Poland, Germany, of course, fully supports the statement that was made by the representative of Italy on behalf of the European Union.

With the draft resolution on Eastern Slavonia before the Council, the members of the Security Council will today take an important decision. Their affirmative vote sets in motion a process that has one clear and unequivocal objective: the peaceful reintegration of Eastern Slavonia, Baranja and Western Sirmium into the Republic of Croatia.

This is a national priority of the Government and people of the Republic of Croatia, which the German side fully understands and supports. We are ready to acknowledge that Croatia's patience has been tested severely over a long time in this regard. The events of Vukovar and the establishment of Serb control over Eastern Slavonia, which took place in 1991 with the decisive assistance of the former Yugoslav army, must not be forgotten. It is something that no country would have accepted.

The full implementation of the Basic Agreement offers the best chance we have had in a long time to avoid further war. It is, in our view, also the best chance to begin a process that can and — we hope — will lead to a better future of peaceful coexistence of Serbs and Croats in the Republic of Croatia. That is why my country fully supports the establishment of a United Nations peace-keeping operation for the region of Eastern Slavonia, with both military and civilian components, under the name of UNTAES — United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium. Like the Basic Agreement itself, this operation must be guided by two important principles: on the one hand, the gradual re-establishment of the sovereignty of Croatia with regard to Eastern Slavonia; and on the other, the indispensable necessity to ensure full protection for, and guarantees for the rights of, the local Serb population.

We are under no illusions; we understand that the implementation of the Basic Agreement will be a particularly difficult operation, fraught with numerous risks and difficulties appearing even in areas where one would not expect them to appear. It is therefore of the utmost importance that both sides cooperate fully, and that the Croatian side and the local Serb side show maximum restraint and moderation during all phases of the operation. The Croatian side in particular must show the necessary patience and restraint, so that the Transitional Administration can work under conditions conducive to gradual confidence-building with the local Serb population.

There can be no doubt that the process of demilitarization, as provided for in the Basic Agreement, will be a very crucial phase. The aim is a complete demilitarization of the region within 30 days after the assessment of the Transitional Administrator that the military component of UNTAES has been deployed and is ready to undertake its mission. We will support all efforts by the Transitional Administrator and UNTAES to achieve demilitarization without incidents and as smoothly as possible.

In this connection, let me express our appreciation to the United States of America for its readiness to offer

General Jacques Klein as Transitional Administrator. The mandate of UNTAES described in the draft resolution leaves no doubt that he will have a challenging and manifold task indeed: the Transitional Administrator will have overall authority over the civilian and military components of UNTAES. On the civilian side, there will be the establishment of a temporary police force, of structures for civil administration and public services; the facilitation of the return of refugees; and the organization of elections. We also thank those countries willing to provide civilian, police and military personnel for these far-reaching and complex tasks.

While we welcome the fact that our American partners have put their weight and support behind General Klein and UNTAES, we, on the German side, will also do what we can to assist UNTAES. We encourage the Government of the Republic of Croatia to contribute in all possible ways to the success of UNTAES. This, in our view, is a logical consequence of the fact that UNTAES serves the purpose of the peaceful reintegration of Eastern Slavonia into the Republic of Croatia. Financial means to alleviate the burden of UNTAES in specific areas will be an investment in a united Croatia.

The Basic Agreement on Eastern Slavonia became possible on the basis of the understanding reached by President Tudjman and President Milosević in Dayton. The Federal Republic of Yugoslavia continues to bear a major responsibility for the situation in Eastern Slavonia. Consequently, the leadership in Belgrade must help actively to make the implementation of the Basic Agreement succeed. We will follow closely and continuously the attitude of the FRY authorities in this regard.

My delegation also supports the draft resolution on the Prevlaka peninsula. Our interest is that security and stability prevail in this area. The demilitarization of the Prevlaka peninsula has made a positive contribution to this end. With this draft resolution, the Council reaffirms once again its commitment to the sovereignty and territorial integrity of the Republic of Croatia. We hope that the Republic of Croatia and the Federal Republic of Yugoslavia will soon achieve a practical arrangement that would peacefully resolve their differences in this context and thus foster good-neighbourly relations in the area.

With regard to the conflicts in the former Yugoslavia, much has been achieved in recent months. This progress was made possible by an enormous effort on the part of the international community, with the United States of America playing a prominent role. We are also observing hopeful signs of an improving relationship between the Republic of Croatia and the Federal Republic of Yugoslavia. We hope that mutual recognition will come soon. We also hope that the day will come when Croats and Serbs can again shake hands and live together in peace, be it in the Republic of Croatia, in Eastern Slavonia or in the Federal Republic of Yugoslavia.

It is in this spirit that we shall vote in favour of the draft resolutions before the Council.

The President: I shall now put to the vote the draft resolution contained in document S/1996/23.

A vote was taken by show of hands.

In favour:

Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1037 (1996).

I shall now put to the vote the second draft resolution, contained in document S/1996/24.

A vote was taken by show of hands.

In favour:

Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1038 (1996).

I shall now call on those members of the Council who wish to make statements following the voting.

Mrs. Albright (United States of America): The two draft resolutions before us today will further advance the peace process in the former Yugoslavia. The United States firmly supports the resolution the Security Council has adopted on Eastern Slavonia, Baranja and Western Sirmium. A peaceful solution in Eastern Slavonia is

essential to a lasting peace in all the regions of the former Yugoslavia.

In the 12 November Basic Agreement, the Croatian Government and local Serbs committed themselves to a peaceful resolution of the conflict in Eastern Slavonia, Baranja and Western Sirmium. In that Agreement, the parties appealed to the international community to assist in its implementation. The resolution we have just voted on responds to that request.

The United States played a facilitating role in the negotiations that led to the 12 November Agreement. We believe that the Basic Agreement provides an opportunity to resolve the conflict over Eastern Slavonia, Baranja and Western Sirmium, in a manner consistent with previous resolutions of this Council and international law. It calls for the peaceful reintegration of those territories with the Republic of Croatia after a clearly defined transitional period. It also protects the human rights of all residents, including the local Serb population, while providing for the return of refugees and displaced persons.

Eastern Slavonia has been the scene of horrible abuses of human rights. Strict implementation of the Agreement will lead to a peaceful solution in which human rights are respected and the people of the region are allowed to choose their leaders through free and democratic elections. The international community is prepared to do its part to help implement the agreement. But in the final analysis it will be up to the parties to put aside the hatreds of the past four years and together begin to build a new future.

The resolution we have just adopted establishes a new peace-keeping operation that will assist in the demilitarization of the region, facilitate its return to Croatian control and help promote a return to normal life. As requested by the parties, its mandate ensures that the new operation, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), will be able to "govern" the region in an authoritative fashion. The parties have clearly expressed their intention to entrust the region's short-term future to our leadership. The resolution we are now adopting provides us with the means to reward their trust with the kind of stewardship that the region and its people deserve.

In agreeing to undertake this complex responsibility, the international community will demand that both the Serb and Croat sides fully implement the 12 November Agreement. UNTAES will not be expected to implement the Agreement by force, nor will it be expected to defend the region from an armed incursion. The international community will not tolerate actions that endanger the lives of the peace-keepers we are sending to the region. Anyone contemplating such actions should think twice. The meaning of paragraph 14 of the resolution we have just adopted is clear — UNTAES will have the right to ask for assistance if its personnel are in danger. The presence just across the border in Bosnia of the implementation force (IFOR), and the presence of other powerful military forces nearby, should make it clear that the international community has the capability to punish anyone who endangers the lives of UNTAES personnel. Further, the North Atlantic Treaty Organization (NATO) has already decided to provide close air support if requested by UNTAES.

The second resolution before us today authorizes United Nations military observers to continue to monitor the agreement on the demilitarization of the Prevlaka peninsula and surrounding territory. My Government has no doubt that the Prevlaka peninsula is sovereign Croatian territory. Nevertheless, we call on both sides to continue to comply with their agreement to demilitarize that strategically important area. We note that the resolution calls on the Secretary-General to submit by 15 March a report which would comment on the possibility of another international organization's assuming the task of monitoring the Prevlaka peninsula. My Government looks forward to that report, and expects that the Council will act on it as appropriate.

The adoption of these resolutions culminates a period of intense diplomatic activity. Yet it is only the beginning of a process. Much essential work remains to be done. We salute those States that have offered to contribute to UNTAES. At the request of the Secretary-General, an American citizen, Jacques Klein, who is both an experienced diplomat and a general in the Air Force Reserve, is poised to assume leadership of the operation. The United States will continue to search for ways to assist the operation.

In closing, I would like to express our appreciation for the rapid response the United Nations and the international community have made to this complex and sensitive issue. The Balkans have been the scene of far too many tragedies in recent years. Today's resolutions are two more indications that the peoples of the former Yugoslavia might be ready to embrace a future based on peace and respect for international law. The United States

remains committed to the work that lies ahead and urges all like-minded States to join in that effort.

Mr. Dejammet (France) (*interpretation from French*): The Council has unanimously adopted the resolution implementing the peace plan set out in the Basic Agreement of 12 November 1995, thus signifying its unequivocal support for the operation to succeed the United Nations Confidence Restoration Operation in Croatia (UNCRO) from tomorrow. On this occasion I should like to pay tribute to the personnel of the United Nations who served in that United Nations operation.

The success of the operation which we have decided upon today will be of great importance for the entire region. The two operations in Bosnia and Herzegovina and Eastern Slavonia are interrelated and will influence each other. The war in former Yugoslavia started in Vukovar. Peace — the end of the conflict — must come to Sarajevo and to Vukovar.

Our Council, however, has another reason for wanting this new operation to succeed. The war in Croatia has given rise to a succession of human tragedies, which in their turn have brought both violence and hatred. The resolution should break this cycle of war and vengeance.

It is, in any event, in this context that the French delegation will fully support the action of the Transitional Administrator, who is shortly to be appointed by the Secretary-General, and whose name we know, and also the civilian and military personnel of the United Nations who will be placed under his overall authority.

In accordance with the terms of the Basic Agreement and the report of the Secretary-General, on which the resolution is largely based, the authority of the Transitional Administrator should be total during the transition period in order for him to be able to govern effectively. This does not mean that this authority is unconditional. The tasks assigned to the Administrator, acting on behalf of the United Nations, are listed in the resolution — specifically in paragraph 11, which spells out the civilian tasks which will have to be carried out. Priorities for the Administrator are clearly to restore normal living conditions to the region; to return all refugees and displaced persons to their home of origin; and to protect the rights of all the inhabitants of the region, which will require the creation of an effective and active police force under strict international control. In this context, the military component of the force will have a crucial role to play. This is why answers to questions regarding the size of the force, its nature and when it can start to operate are very important.

In the light of recent experience, the French delegation expressed its agreement with the conclusions reached in the report of the Secretary-General. We are gratified that these conclusions are broadly reflected in the text.

The process of demilitarizing Eastern Slavonia will be the first test of the Agreement's viability. It is therefore very important to recall the conditions in which this will take place, in order to avoid future misunderstandings or unjust criticism. Our Council has decided today that nothing can be done without the military component of the operation being fully deployed in the territory and being fully operational, which will obviously take some time. The purpose of the United Nations force is not merely to be part of the demilitarization process, but to make it possible by creating through its presence an atmosphere of security and stability.

Nevertheless, it will not be the duty of the military component to itself carry out the demilitarization. This process will continue to be the entire responsibility of the parties involved, which will have to fulfil their commitments in this area. That is why our Council plans to review the situation at regular intervals, in order to draw conclusions as to the parties' respect, or lack of respect, for their commitments and the reasons they have given to explain their attitudes.

The agreement of the parties and their willingness to cooperate sincerely — these are the real conditions for the operation's success. In accordance with the Basic Agreement, our resolution has created a framework and defined ways to help the parties reach a peaceful solution to the conflict. But it is up to them to assume their responsibilities.

It was in the same spirit, and in accordance with the Council's consistent policy on this subject, that the French delegation supported the adoption of the draft resolution extending, following the recommendations of the Secretary-General, the mandate of the United Nations observers monitoring the demilitarization of the Prevlaka peninsula.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

The adoption of these two resolutions, which the United Kingdom welcomes, is a further demonstration of the international community's willingness to support efforts by those in the Balkan region to settle their differences peacefully. Those efforts must succeed if a lasting and durable peace is to be established.

Over the last four years this Council has sought to facilitate the emergence of such a peace. It has from the start worked to promote respect for Croatian sovereignty and territorial integrity and to promote reconciliation between the different communities in that country, as well as between Croatia and the Federal Republic of Yugoslavia. The fact that the Basic Agreement exists at all is a testimony to this Council's efforts, and we salute the dedication and patience of the negotiators who helped to bring it about. It is on the basis of that Agreement, and in the light of the commitment of all concerned to its early and peaceful implementation, that this Council has decided to send United Nations peace-keepers to Eastern Slavonia. We now need to work for the earliest possible deployment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in order to allow the development of mutual confidence between the communities and the full implementation of the Agreement. The British Government expresses its appreciation to those countries which have already confirmed their willingness to make troops available for this operation, and we hope that other Member States will follow suit.

The British Government also supports the decision to continue the presence of United Nations observers on the Prevlaka peninsula to monitor its demilitarization. Their presence has helped contain and reduce tension and open the way for Croatia and the Federal Republic of Yugoslavia to settle their differences peacefully. We look to the Croatian and Yugoslav Governments to redouble their efforts towards that end.

It is a simple truth, but one which bears restating, that if United Nations peace-keepers are to be able to carry out effectively and in safety the mandates we have just given them, they must be able to count on the parties' full cooperation. There can be no justification whatsoever for any resort to military means, whether to accelerate or to frustrate implementation of the commitments they have made. This Council will monitor the progress of implementation of the Basic Agreement closely, not least in the light of past failures by those concerned to live up to their undertakings. Successful implementation will be key to opening the way for Croatia and the Federal Republic of Yugoslavia to play a fuller part in the European family of nations.

I resume my functions as President of the Council.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 5.55 p.m.